

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

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MICHAEL MILLER,	*	
	*	No. 16-637V
Petitioner,	*	Special Master Christian J. Moran
	*	
v.	*	Filed: December 13, 2017
	*	
SECRETARY OF HEALTH	*	
AND HUMAN SERVICES,	*	Attorneys' fees and costs; waiver
	*	
Respondent.	*	
*****	*	

Leah V. Durant, Law Offices of Leah V. Durant, PLLC, Washington, DC, for
Petitioner;
Christine M. Becer, United States Dep't of Justice, Washington, DC, for
Respondent.

UNPUBLISHED DECISION AWARDING
ATTORNEYS' FEES AND COSTS¹

After receiving compensation through the Vaccine Program, Michael Miller filed a motion for attorneys' fees and costs. Mr. Miller is awarded the full amount of his request, **\$27,516.53**.

* * *

Mr. Miller alleged that an influenza vaccinations caused him to suffer myasthenia gravis and Guillain Barré syndrome. The parties agreed to a stipulation resolving the amount of compensation. The stipulation was

¹ The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

incorporated into a decision awarding Mr. Miller's compensation. Decision, issued May 12, 2017, 2017 WL 2480901. With the merits of Mr. Miller's case resolved, the parties addressed attorneys' fees and costs.

Mr. Miller filed an attorneys' fees and costs petition on November 13, 2017, requesting \$22,415.00 in fees and \$5,101.53 in costs. Mr. Miller did not incur any costs personally. Pet'r's Mot., filed Nov. 13, 2017, at 2 (General Order No. 9 statement).

The Secretary filed a response representing that he "is satisfied the statutory requirements for an award of attorneys' fees and costs are met in this case." Resp't's Resp., filed Nov. 27, 2017, at 2. The Secretary did not raise any specific objections and recommended that the Special Master "exercise his discretion" when determining a reasonable award. Id. at 3.

Petitioner filed a reply on November 28, 2017, reaffirming his request for attorneys' fees and costs.

This matter is now ripe for adjudication.

* * *

Because Mr. Miller received compensation, he is entitled to an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Pursuant to the rationale established in Swintosky v. Sec'y of Health & Human Servs., No. 12-403V, 2017 WL 5899239 (Fed. Cl. Spec. Mstr. Nov. 6, 2017),² the Secretary has waived any objections to the amount of fees requested. Absent any objections, Mr. Miller's request for attorneys' fees and costs is GRANTED IN FULL:

A lump sum of \$27,516.53 in the form of a check made payable to petitioner and petitioner's attorney, Leah V. Durant.

These amounts represents reimbursement attorneys' fees and other litigation costs available under 42 U.S.C. § 300aa-15(e). In the absence of a motion for

² In Swintosky, the parties submitted a joint notice of decision not to seek review of the Fees Decision.

review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.³

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.